

**Vergennes Township
Kent County, Michigan**

Ordinance # 2019-02
Adopted Date: 6-17-19

AN ORDINANCE TO AMEND THE VERGENNES TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 201.202 TO AMEND THE DEFINITION OF STRUCTURE; TO AMEND SECTION 201.307, F, 5 WHICH PERTAINS TO LAND ALTERATIONS; TO AMEND CHAPTER 4 TO AMEND SECTION 201.402, F, WHICH PERTAINS TO EXEMPT STRUCTURES; TO ADD SECTION 201.443 WHICH PERTAINS TO FENCES; TO AMEND SECTION 201.412 WHICH PERTAINS TO GRADE LEVELS; TO AMEND SECTION 201.423 WHICH PERTAINS TO TENTS AND RECREATIONAL VEHICLES; TO AMEND SECTION 201.424 WHICH PERTAINS TO SATELLITE DISH ANTENNAS; AND TO ESTABLISH AN EFFECTIVE DATE.

VERGENNES TOWNSHIP HEREBY ORDAINS:

Section 1. Amendment of Section 201.202 Definitions.

Section 201.202 of the Vergennes Township Zoning Ordinance is amended to amend the following definition to read as follows:

Structure: Anything constructed, erected, or located on any lot and located on the ground, including a building, mobile home, sign, billboard, communication structure, apparatus, ornamentation, or fence. For the purposes of this ordinance, sidewalks, driveways, septic tanks, patios, and the like shall not be considered structures. Within the Flat River District, an enclosed, self-contained camping unit is not considered a structure if on site fewer than 30 days per calendar year and if located landward of the natural vegetation strip in the Flat River District, or if the structure is located on a campsite within a campground licensed under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, if both the individual campsite and the campground were established before the effective date of these rules.

Section 2. Amendment of Section 201.307 Flat River District.

Section 201.307, F, 5 is amended to reads as follows:

5. *Land Alterations.* Land alterations shall not occur within the natural vegetation strip except for the placement of wood chips for a foot path. The natural contour of the face and crest of the bluff shall not be altered. The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities. No improved surface paths are allowed except for wood chips or stairs in the river setback. Structures, walkways, and sidewalks are prohibited in the Flat River District setbacks. A

seawall, vertical bulkhead, gabion basket, concrete bag riprap, broken concrete, and other similar structures are prohibited in the river or along the bank edge.

Section 3. Amendment of Section 201.402 Accessory Buildings.

Section 201.402 F is amended to read as follows:

F. Exempt Structures:

Minor accessory buildings that function as school bus stop shelters shall be exempt from the provisions of this section. However, such shelters are not permitted to be located in the road right-of-way without a permit from the Kent County Road Commission. School bus stop shelters shall not require a building permit.

Exempt structures such as birdbaths or feeders, shore stations, kayak or boat racks, landscaping elements, small decorative items, and the like may be placed anywhere on a lot provided that such structures are five (5) feet from the side lot line, as extended perpendicular to the shore of a lake or other body of water. Except for temporary boat shore stations and other temporary structures meeting all other applicable ordinances and legal requirements, no exempt structure shall be installed, located, kept, stored, or maintained in any zoning district within thirty (30) feet of the normal high-water mark of any lake or stream. Exempt structures shall also not unreasonably obstruct views from neighboring property owners and not otherwise adversely impact the neighboring properties or the public health, safety, and welfare. If the exempt structure has a canopy that extends out further than other parts of the structure, the measurement used shall be from the edge of the canopy.

Section 4. Amendment of Section 201.443 Fences

Chapter 4 of the Vergennes Township Zoning Ordinance is amended to add a new section 4.43, which reads as follows:

201.443 Fences

4.43. Fences shall meet the following requirements:

- A. Installation of fencing shall not require a building permit or site plan approval by the Planning Commission; however, a sketch detail must be provided showing the proposed location, existing buildings on adjacent parcels, setbacks, and lot lines. Approval shall be required by the Zoning Administrator.
- B. No solid fencing in excess of three (3) feet in height shall be located within a front setback area or within 30 feet of a waterfront property line. If the fencing is at least 50% transparent, it shall not be in excess of four (4) feet in height. Fences or walls may be placed along a property line; however, no fence shall be placed within a clear vision corner area as defined herein. In other portions of a lot or parcel, fencing shall not exceed six (6) feet in height. Provided, however, that the Planning Commission or Zoning Administrator may approve fencing of greater height as part of the review and approval of a site plan.

- C. The maximum height of a fence shall be measured from ground level adjacent to the fence, provided that fill shall not be permitted for the purpose of achieving a greater height than otherwise would be permitted.
- D. Fences, walls, and screens shall be maintained in good repair and in safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements with the same materials.
- E. Fencing materials shall consist of wood, vinyl, wrought iron, anodized aluminum, brick, stone, masonry, or other durable commonly accepted fencing materials.
- F. Any fencing or wall with a single finished side shall be installed with the finished side facing the neighboring property or the road right-of-way.
- G. The provisions of this section do not apply to farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with adopted Generally Accepted Agricultural Management Practices (GAAMPs).

Section 5. Amendment of Section 201.412 Grade Levels.

Section 201.412 is amended to read as follows:

201.412 Grade Levels.

4.12. The Zoning Administrator and Building Official shall review existing grade levels, proposed grade levels, and the proposed grading plan prior to the construction of a building or structure requiring approval pursuant to this Ordinance. To assist with this review, a grading plan is required for all new construction to establish grade levels. The yard around a new building shall be graded such that surface waters shall flow away from the building walls and prevent excessive runoff of surface water from flowing onto adjacent property. Proposed grade levels shall retain and not obstruct natural drainage. A retaining wall may be permitted in the required setback area if it is required for drainage purposes or for compliance with this Section. The Township may require the applicant to provide storm water management techniques to preserve the natural retention and storage capacity of any wetland, water body, or watercourse, while not increasing flooding or the potential of pollution of surface or groundwater, on-site or off-site.

Sand, dirt, and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would, in the opinion of the Zoning Administrator, do any of the following:

- A. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- B. Increase the height of a building or structure so as to unreasonably decrease the view on one or more adjoining properties of a lake, stream, or natural vista or create a situation which is incompatible with the surrounding uses.

- C. Increase the height of a sign or fence beyond the requirements of this Ordinance.

Section 6. Amendment of Section 201.423 Tents and Recreational Vehicles.

Section 201.423 is amended to read as follows:

201.423 Tents and Recreational Vehicles

201.423.

- A. Permit Required. Tents, recreational vehicles, and trailers shall not be used as permanent dwellings within the Township; provided, that recreational vehicles may be used for temporary dwellings for up to thirty (30) days per calendar year per property without a permit. For a duration exceeding 30 days, a permit for a temporary dwelling must first be issued by the Zoning Administrator pursuant to this section.
 - 1. A permit issued under this section shall be limited to a period of twelve (12) months. An approved permit shall be renewed on an annual basis. If the occupancy of the recreational vehicle continues beyond the terms of the permit, the Township shall notify the owner of the violation and intent to remove the recreational vehicle. If the owner fails to remove the recreational vehicle after the owner is notified, the Township may remove the recreational vehicle.
 - 2. Upon applying for such a permit, the applicant shall pay an application fee, as established by the Township Board, along with other fees or guarantees as may be required.
- B. General Provisions. In all cases, the following standards shall apply:
 - 1. Recreational vehicles and trailers may only be used as temporary dwellings when accessory and incidental to a permanent dwelling.
 - 2. The recreational vehicle shall be located such that it meets all required setbacks for the district in which it is located.
 - 3. Recreational vehicles shall have, or be located on a lot that has, access to running water and sewage facilities approved by the Kent County Health Department.
 - 4. The vehicle shall be designed for sleeping.
 - 5. A recreational vehicle or trailer shall be licensed and registered, in compliance with State of Michigan regulations, and shall have properly inflated tires, working signals, brake lights, and shall be maintained in good condition.
 - 6. The provisions of this section do not apply to travel trailer camps, campgrounds, manufactured housing communities, and similar licensed facilities.
 - 7. A recreational vehicle, tent, trailer or motorhome shall not be used for rental purposes.

Section 7. Amendment of Section 201.424 Satellite Dish Antennas

Section 201.424 is amended to reads as follows:

201.424 Reserved.

Section 8. Conflicts.

- A. If any provision of the Vergennes Township Ordinance conflicts with this amendment to the Zoning Ordinance, the terms of this amendment shall prevail.
- B. To the extent any provision of this ordinance may be preempted by state or federal law, then any such provision shall be enforced up to the fullest extent of any state or federal law before such preemption would occur.

Section 9. Miscellaneous, Severability.

- A. Should any section or part of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this Ordinance.
- B. Those terms and phrases used in this Section 201.432 which are also similarly used in MCL 125.3514, as amended, shall have the same meaning as set forth in MCL 125.3514.

Section 10. Effective Date. This Ordinance shall become effective seven (7) days after its publication, or a summary thereof, in a newspaper of general circulation in the Township.

Yeas- Hoffman, Wittenbach, Gillett, Rasch and Mork

Nays- 0

Absent- 0

Certification I, Heather Hoffman, Township Clerk of the Township of Vergennes, hereby certify that Ordinance 2019-02 was adopted at a regular meeting of the Vergennes Township Board on June 17, 2019, and the Ordinance or a summary of the ordinance was published in the Lowell Ledger, a newspaper of general circulation in the Township of Vergennes, on June 26, 2019.

Heather Hoffman,

Vergennes Township Clerk

Date Published: June 26, 2019

Date Effective: July 3, 2019